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REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claim 1 has been amended to clarify the claimed subject matter. Claims 31-35 have been canceled as part of Applicants' response to the restriction requirement. These amendments do not add any new matter and are supported by the application as originally filed. The claims have been amended without prejudice or disclaimer. Applicants reserve the right to prosecute any canceled or otherwise unclaimed subject matter in this or another application.

RESTRICTION REQUIREMENT

The Examiner requires restriction of this application to one of the following groups:

Group I: claims 1-30 and 36-50, drawn to polynucleotides comprising SEQ ID NO.: 28 and fragments thereof; and,

Group II: claims 31-35, drawn to methods for preventing or treating cancer comprising administering a polynucleotide comprising SEQ ID NO.: 28 and fragments thereof.

In order to comply with this restriction requirement, Applicants hereby elect Group I (claims 1-30 and 36-50) with traverse. The Examiner further requires election of a species of vector to which initial examination shall be limited; Applicants hereby elect poxvirus vectors with traverse. With the election of poxvirus vectors, the Examiner further requires election of a particular poxvirus vector; Applicants hereby elect ALVAC with traverse. Claims 1-30 and 36-50 encompass an ALVAC vector comprising the sequence shown in SEQ ID NO.: 28. The species elections of poxvirus vectors and ALVAC are made with the understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to non-elected species written including all of the limitations of the allowed generic claim.

The Examiner alleges that the technical feature linking Groups I and II is SEQ ID NO.: 28 and fragments thereof and that Murphy et al. teaches the same. The Examiner alleges that the broad genus claimed encompasses sequences that "share as few as one nucleotide with instant SEQ ID NO.: 28." As such, the Examiner alleges that "the

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technical feature linking the inventions of groups I-II does not constitute a special technical feature" or "a contribution over the prior art". Applicants respectfully disagree with the Examiner's conclusions, even in the absence of the amendment made herein.

It appears that the Examiner is alleging that SEQ ID NO.: 28 is either anticipated or rendered obvious in view of as little as a single nucleotide shown in Murphy's Figure 3. The disclosure of a single nucleotide simply cannot anticipate or render obvious a nucleotide sequence encoding a protein (such as SEQ ID NO.: 28) or fragments thereof. However, in order to expedite prosecution, claim 1 has been amended to clearly indicate that the expression vector must allow for expression of a CEA protein in a cell. The claimed expression vector does represent a significant contribution over the prior art.

Applicants do not believe the species elections are necessary as all of the claims require SEQ ID NO.: 28 (or fragments thereof). If SEQ ID NO.: 28 (or fragments thereof) represents patentable subject matter, as Applicants believe is the case, the Examiner will not need to conduct additional searches relating to particular vectors containing that sequence. As such, it is respectfully requested that this species election requirement be withdrawn.

CONCLUSIONS

Applicants respectfully request consideration and entry of this reply. Applicants believe the claims are in condition for allowance and request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the Applicants' undersigned representative if it is believed doing so would expedite prosecution of this application.

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Respectfully submitted,



Patrick J. Halloran
Reg. No. 41,053

Patrick J. Halloran, Ph.D., J.D.
3141 Muirfield Road
Center Valley, PA 18034
Tel: 610-984-4751
Fax: 484-214-0164
e-mail: pat@pathalloran.com